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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/616,773      | 07/10/2003  | Shinichi Hiramoto    | 187A 3447           | 1995             |

3713 7590 04/25/2005

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EXAMINER

TRUONG, THANH K

ART UNIT PAPER NUMBER

3721

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/616,773

Applicant(s)

HIRAMOTO, SHINICHI

Examiner

Thanh K Truong

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION*****Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the: "guide rails with which flanges of said spouts are engaged" (claims 1 and 2); "bags equipped with spouts" (claims 1 and 2); and "capping" (claims 1 and 2) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

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2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Araki et al. (6,244,307).

Araki discloses an apparatus (figure 1) comprising:

a bag-making apparatus (2a, 2b – figure 1) that manufactures bags equipped with spouts (figures 6a & 6b) and feeds the bags out in a single row along a pair of upstream side guide rails (11a, 12a) with which flanges (1b, 1c, 1d – figures 3-5) of the spouts are engaged (figure 4 show guide that comprises a pair of rails to support on each side of the spout),

a packaging apparatus (C – figure 1) that receives a supply of the bags equipped with spouts via a pair of downstream side guide rails (4) with which the flange of said spouts are engaged and performs, while causing said bags equipped with spouts to move, a packaging operation that include filling the bags with contents and capping (column 1, lines 23-25), and

a stocker apparatus (3 – figure 1) interposed between the upstream side guide rails and downstream side guide rails, the stocker apparatus receiving the bags equipped with spouts from the upstream side guide rails and feeding the bags out to the downstream side guide rails, and wherein

the stocker apparatus is comprised of:

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a plurality of pairs of relay rails (15a & 15b – figure 1) which are disposed side by side at equal intervals and with which the flanges of the spouts are engaged so that a predetermined number of the bags equipped with spouts are as stocked, and

a moving means (16) that moves the relay rails in a lateral direction simultaneously (figures 1 & 2); and

a positional relationship of each of the plurality of pairs of relay rails, the upstream side guide rails and the downstream side guide rails is set so that when one of the plurality of pairs of relay rails (15a) is in a position to be connected to the upstream side guide rails (12a), the one of the plurality of pairs of relay rails (15b) is in a position to be connected to the downstream side guide rails (4) also, and

the relay rails are successively stocked with the bags equipped with spouts (figure 2) when an operation of the packaging apparatus is temporarily stopped, thus allowing an operation of said bag-making apparatus to be continued (column 4, lines 59-63).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Araki et al. (6,244,307) in view of Franzaroli (6,619,017).

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As discussed above in paragraph 3 of this office action, Araki discloses the claimed invention, but does not expressly disclose two packaging apparatus and three or more relay rails as recited in claim 2.

Franzaroli discloses an apparatus (figure 1) comprising machine (12) located upstream and connecting to a plurality of downstream equipment (14', 14'', 14'''). Franzaroli's apparatus provides means to accommodate the high production rate and to eliminate the successively accelerating and the stopping of the items in the production.

Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified Araki's apparatus by incorporating the connection of a single upstream machine to a plurality of downstream equipment, as taught by Franzaroli, for improving the production rate without interrupting the production process (column 2, lines 40-46).

Regarding to the claimed limitation of three or more relay rails as recited in claim 2. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Araki's apparatus so that there are three or more relay rails being used to increase the production capacity to receive bags from upstream machine, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

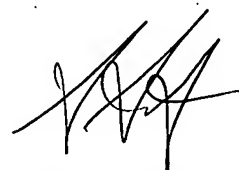
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh K Truong whose telephone number is 571-272-4472. The examiner can normally be reached on Mon-Thru 8:00AM - 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tkt  
April 12, 2005.



SCOTT A. SMITH  
PRIMARY EXAMINER